THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE DR.JUSTICE G.YETHIRAJULU

–

WRIT APPEAL NO. 2119 OF 2005.

DATED: 08-11-2005

Between

1.The Executive Engineer, R & B Division

Miryalaguda, Nalgonda district and 2 others

….Appellants

And

M.Satyanarayana son of Buchaiah

R/o Miryalaguda, Nalgonda district.

…Respondent

–

JUDGMENT (Per Sri B.Prakash Rao, J)

Heard learned Government Pleader for the appellants and Mr. Venugopal Rao Pasnoori, learned counsel for the respondent.

This appeal is at the instance of the respondents in the writ petition filed by the respondent herein, seeking to assail the order, dated 07-09-2004.

The main grievance of the appellants is only with regard to awarding of costs of Rs.25,000/-.

Having considered the submissions made and on perusal of record, it is seen that the writ petitioner who was an employee and working as a Watchman and Roller Cleaner, raised a dispute under the provisions of the Industrial Disputes Act, 1947, complaining violation of Section 25-F of the Act. Ultimately, after enquiry, the Labour Court passed an award for reinstatement and awarding certain other reliefs towards back wages. Challenging the same, writ petition was filed and the same was also dismissed and later on the present writ appeal came to be filed by the respondents *inter alia* assailing the impugned order and denying certain pensionery benefits. The learned Judge after going through the various submissions made by either side, found favour with the writ petitioner and ultimately allowed the writ petition. However, the appellants did not raise proper defence for awarding costs of Rs.25,000/-. Further, the orders were passed on merits and there being no special reasons as such to attribute any falsity with regard to the plea or otherwise to award costs. In the circumstances, it is not necessary to award costs.

Accordingly, the writ appeal is allowed and awarding costs of Rs.25,000/- is set aside. Time granted by the learned single Judge for finalization of the benefits is extended for a further period of two months from today. No costs.

B.PRAKASH RAO, J

Dated: 08-11-2005.

G.YETHIRAJULU, J

Hsd